

181192



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

DEPT. OF TRANSPORTATION
DOCKETS

02 JUL 25 PM 3:58

APR 22 2002

400 Seventh St., S.W.
Washington, D.C. 20590

*Docket SVC-124
Part 565-*

NHTSA-02-12945-1

Ben Wood, Jr.
CEO
Kasea Motorsports
6767 East Marginal Way South
Seattle, WA 98108

Dear Mr. Wood:

This is in response to your fax of February 12, 2002, in which you asked about the National Highway Traffic Safety Administration's (NHTSA) regulations governing vehicle identification numbers (VINs). In your fax, you stated that your company imports and sells four-wheel off-road vehicles. You also stated that although you have installed VINs on your off-road vehicles according to NHTSA's VIN requirements in 49 CFR Part 565, a State regulatory agency has determined that your VINs are in error because they do not comply with the State's regulations regarding VINs.

You asked several questions concerning the role of NHTSA, the Consumer Product Safety Commission (CPSC), and the States in regulating VINs. The issues raised by your questions are addressed below.

NHTSA is authorized by statute to regulate "motor vehicles." The term "motor vehicle" is defined as "a vehicle driven or drawn by mechanical power and manufactured primarily for use on the public streets, roads, and highways . . ." 49 U.S.C. § 30102(a)(6). Accordingly, only vehicles that are operated on the public streets, roads, and highways, as one of their primary uses, are considered to be motor vehicles, and vehicles which are solely used "off-road" are excluded. Assuming that your vehicles are solely used off-road, our regulations, including those concerning VINs, do not apply to them.

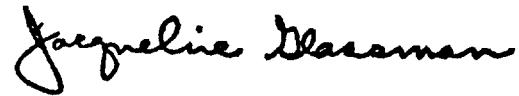
The CPSC does have jurisdiction over off-road vehicles. However, I regret that I cannot provide you with information about their regulations. For more information on the CPSC's regulations regarding off-road vehicles, you may contact Mark Ross of the CPSC at (301) 504-0580, extension 1188.

The States may regulate the VINs of off-road vehicles. You may wish to contact the individual States and/or a private attorney about State regulation of VINs.



If you have any questions regarding NHTSA's VIN requirements for motor vehicles, please feel free to contact Dion Casey of my staff at (202) 366-2992.

Sincerely,

A handwritten signature in black ink that reads "Jacqueline Glassman". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jacqueline Glassman
Chief Counsel